

**FOLEY LARDNER**  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYLARDNER.COM

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TO:	PHONE #:	FAX #:
Examiner Gailene Gabel USPTO		(703) 308-4242

**From :** Michael A. Whittaker  
**Email Address :** Mwhittaker@foleylaw.com  
**Sender's Direct Dial :** 858.847.6721  
**Date :** February 3, 2003  
**App. Serial Number :** 09/835,287  
**Client/Matter No :** 071957-1102  
**User ID No :** 0093

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Atty. Dkt. No. 071957-1102

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David R. Kaplan

Title: Methods for Detecting an  
Analyte of Interest Using  
Catalized Reporter Deposition of  
Tyramide

Appl. No.: 09/835,287

Filing Date: 04/13/2001

Examiner: Gailene Gabel

Art Unit: 1641

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February 3, 2003

(Date of Transmission)

Lisa Gauthier

(Printed Name)



(Signature)

**AMENDMENT TRANSMITTAL**

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ The fee required for additional claims is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	34	— 36	= 0	x \$18.00	= \$0.00
Independents:	2	— 3	= 0	x \$84.00	= \$0.00
First presentation of any Multiple Dependent Claims:			+	\$280.00	= \$280.00
				Small Entity 1/2 Reduction	\$140.00
				CLAIMS FEE TOTAL:	= \$140.00

☐ Please charge Deposit Account No. 50-0872 in the amount of \$140.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$140.00 is enclosed.

Atty. Dkt. No. 071957-1102

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. **50-0872**. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. **50-0872**.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: February 3, 2003

FOLEY & LARDNER

Customer Number: 30542



**30542**

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6721

Facsimile: (858) 792-6773

By

Michael A. Whittaker  
Attorney for Applicant  
Registration No. 46,230

Docket No.: 071957-1102

Patent

#17/A  
2/5/03  
lw

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David R. Kaplan

Serial No.: 09/835,287

Filed: April 13, 2001

Title: Methods for Detecting an Analyte of  
Interest Using Catalyzed Reporter Deposition  
of Tyramide

Examiner: Gailene Gabel

Art Unit: 1641

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February 3, 2003

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Line Gauthier

(Printed Name)

(Signature)

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
Washington, D.C. 20231  
Box Non-Fee Amendment

Dear Sir:

In response to the Office Action mailed November 6, 2002 ("Paper No. 9"), please enter  
the following amendments and consider the following remarks.

IN THE CLAIMS

Please cancel claims 21-36, which were removed from consideration by the Examiner  
following a restriction requirement, without prejudice to their future prosecution. Please replace  
claims 1-20 with the following amended claims. A marked-up set of claims, indicating the  
changes made,

Sub  
A, B  
1. (Amended) A method of detecting the presence of an intracellular analyte in one or more cells  
by flow cytometry, the method comprising:

- a) fixing and permeabilizing said cells;